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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,957	08/28/2003	Kouki Shibao	03500.017507	7095
5514	7590	04/16/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, THIERRY L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/649,957	SHIBAO, KOUKI	
	Examiner	Art Unit	
	THIERRY L. PHAM	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-58 is/are pending in the application.
 4a) Of the above claim(s) 23-58 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/03</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

- This action is responsive to the following communication: Response to election/restriction requirement filed on 1/11/08.
- Claims 1-58 are currently pending, wherein claims 1-22 are elected for prosecution, wherein claims 23-58 are withdrawn from further consideration due to non-elected species.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/16/03 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

Claims 23-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/11/08.

Applicant's election with traverse of species II (claims 1-22) in the reply filed on 1/11/08 is acknowledged. The traversal is on the ground(s) that species I-V are not distinct. This is not found persuasive because species I-V are clearly distinct from each other. For example, species I (claims 23-35) drawn to an image processing apparatus having, e.g., a copy function and a printer function, a method of displaying administration information of the image processing apparatus, a system of displaying the administration information (fig. 1 & 31), wherein species II (claims 1-22) is drawn to the method for the setting mode reaches the upper limit value, the alert which indicates that the process in the mode in question cannot be performed is notified to the user. Therefore, even if the counter does not reach the upper limit value at a time when the process starts, the counter then reaches the upper limit value according to the user's setting while the process is being performed, whereby there is a fear that the process cannot be continued. On one hand, it is assumed in the present embodiment that a user set a mode and a numeric value by which he intends to perform input and output operations. In this case, in a case where there is a fear that the counter exceeds the upper limit value if the process starts with the setting (i.e., the

set mode and numeric value) as it is, this fact is notified to the user beforehand (fig. 41). The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 101

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is a computer related invention. The Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office describe the procedures for examining such inventions.

The first step is to determine whether the invention as defined by the claims falls within one of the three following categories of unpatentable subject matter: (1) Functional descriptive material such as a data structure per se or a computer program per se, (2) Non-functional descriptive material such as music, literary works or pure data, embodied on a computer readable medium; or (3) A natural phenomenon such as energy or magnetism. The invention as defined by the claims is not a natural phenomenon or pure data, however, it is a computer program per se, which does not mount/store on any computer-readable medium; therefore, these claims are rejected for non-statutory basis. Claim 21 is directed to a non-statutory subject matter (computer program) The examiner herein recommends the applicants to amend the claim to include a “computer readable medium” for storing a computer program so that it compliances with **35 U.S.C. 101**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1- are rejected under 35 U.S.C. 102(e) as being anticipated by Iwase et al (US 6724492).

Regarding claim 1, Iwase discloses an image processing apparatus (*digital copier 1, fig. 1*) comprising:

- read means (*scanner section 11, fig. 2*) for scanning an original and reading image data from the scanned original;
- image formation means (*printer section 12, fig. 2*) for forming an image on a recording medium based on the read image data;
- communication means (*network I/F 17, fig. 2*) for transmitting and receiving image data through a predetermined communication medium;
- storage means (*HDD 16, fig. 2*) for storing the image data read by said read means or the image data received by said communication means;
- user administration means (*user management means, fig. 7*) for administrating a user by an ID (*user identification, fig. 7*) capable of specifying the user;
- first setting means (*control panel 20, fig. 2*) for setting any of plural image processing modes (*plurality of modes, fig. 12 and fig. 14*);
- control means (*CPU 13, fig. 2*) for performing control to perform an image input process and an image output process (*images processes, fig. 14-18*) according to the image processing mode set by said first setting means;
- number administration means (*control panel 20, fig. 2*) for classifying the image input process and the image output process performed by said control means into plural forms (*classifying input and output parameters into plurality of settings forms that enable users/operators to select the print settings, for example, density, number of copies, and etc can be selected via using the control panel as shown in figs. 12-19*), and administrating, with respect to each ID (*classifying print jobs into plurality of modes with respect to user's ID, fig. 23*), image amounts (*fig. 17*) processed respectively in said plural forms as plural kinds of number information respectively;

- second setting means (*keypad 249 and “increase, decrease icon”, figs. 14-19*) for respectively setting upper limit values (*e.g. high limit value, figs. 14-19, col. 12, lines 54-61*) of said plural kinds of number information, with respect to each ID; and
- display means (*display input 20a, fig. 2 & fig. 14*) for selecting any of said plural kinds of number information (*e.g. density, number of copies, and etc, figs. 14-19*), and displaying said selected number information and information based on the upper limit value (*print settings has a upper limit value and lower limit value, e.g., fig. 18, col. 12, lines 54-61*) of said selected number information on an operation unit.

Regarding claim 2, Iwase further teaches an apparatus according to claim 1, wherein said display means selects (selects via control panel display, figs. 12-19), from among said plural kinds of number information, the number information that the remaining number is necessary for said image processing mode, and displays said selected number information and the information based on the upper limit value (e.g. upper limit value of density, fig. 18) of said selected number information on the operation unit.

Regarding claim 3, Iwase further teaches an apparatus according to claim 2, wherein said display means selects, from among said plural kinds of number information, the number information that the remaining number (figs. 17-18) is necessary for said image processing mode and that is closest to the upper limit value, and displays said selected number information and the information based on the upper limit value of said selected number information on the operation unit.

Regarding claim 4, Iwase further teaches an apparatus according to claim 2, wherein, in a case where there are the plural kinds of number information that the remaining number (figs. 17-18) is necessary for said image processing mode, said display means displays the plural kinds of number information that the remaining number is necessary on the operation unit.

Regarding claim 5, Iwase further teaches an apparatus according to claim 4, wherein, in a case where there are the plural kinds of number information that the remaining number is

necessary for said image processing mode and the number of the information exceeds the number capable of being actually displayed on the operation unit, said display means displays the plural kinds of number information in order of closer (using the increase and decrease icon or keypad to adjust the limit, figs. 17-18) to the upper limit value by the number capable of being displayed.

Regarding claim 6, Iwase further teaches an apparatus according to claim 1, wherein said number administration means classifies the image input process and the image output process performed by said control means into the plural forms including distinction of a black-and-white mode and a color mode (ref. 245, fig. 14), and administrates, with respect to each ID, the image amounts processed respectively in said plural forms as the plural kinds of number information respectively.

Regarding claim 7, Iwase further teaches an apparatus according to claim 6, wherein, in a case where an undecided image processing mode that it is not decided whether the image input process and the image output process are performed in the black-and-white mode or the color mode is set (print modes, figs. 12-18), said display means selects and displays, from the number information in the black-and-white mode and the number information in the color mode that the remaining number is necessary for said image processing mode, the number information close to the upper limit value.

Regarding claim 8, Iwase further teaches an apparatus according to claim 6, wherein, in a case where an undecided image processing mode (processing modes, figs. 12-18) that it is not decided whether the image input process and the image output process are performed in the black-and-white mode or the color mode is set, said display means displays, at a time when the black-and-white mode or the color mode is decided, the number information according to the decided mode (selected mode, fig. 14).

Regarding claim 9, Iwase further teaches an apparatus according to claim 1, wherein said display means selects the number information closest to the upper limit value from among the

plural kinds of number information that do not reach the upper limit value, and displays said selected number information (using the increase and decrease icon or keypad to adjust the limit, figs. 17-18) and the information based on the upper limit value of said selected number information on the operation unit.

Regarding claim 10, Iwase further teaches an apparatus according to claim 6, wherein said number information and the information based on the upper limit value of said number information displayed on the operation unit by said display means include the number information, the upper limit value, and a value obtained by subtracting the number information from the upper limit value (ref. 251 and 252, fig. 14).

Regarding claim 11, Iwase further teaches an apparatus according to claim 6, wherein said plural kinds of number information include original number information concerning the number of originals (pages, fig. 23) read by said read means, output number information concerning the number of images output (pages to be printed, fig. 23) by said image formation means, output number information concerning the number of images output by said image formation means based on the image data received by said communication means through the predetermined communication medium, and image number information concerning the number of images transmitted by said communication means through the predetermined communication medium.

Regarding claim 12, Iwase further teaches an apparatus according to claim 1, wherein said number administration means counts up (outputted pages, fig. 23) the image number information transmitted by said communication means through the predetermined communication medium, according to a transmission data amount.

Regarding claim 13, Iwase further teaches an apparatus according to claim 12, wherein said number administration means counts up (outputted pages, fig. 23) the number of images transmitted by said communication means through the predetermined communication medium,

equally to a value obtained by dividing an integrated value of the transmission data amounts by a predetermined image amount.

Regarding claim 14, Iwase further teaches an apparatus according to claim 13, further comprising third setting means (number of copies, fig. 17) for setting the predetermined image data amount.

Regarding claim 15, Iwase further teaches an apparatus according to claim 1, further comprising first notification means, in a case where, in a state that any of the number information has reached its upper limit value, the user intends to perform a process according to the image processing mode that the remaining number is necessary to said number information, for notifying the user that the process cannot be performed (error message, col. 13, lines 35-46).

Regarding claim 16, Iwase further teaches an apparatus according to claim 15, wherein, even in the state that any of the number information has reached its upper limit value, a process according to the image processing mode that the remaining number is unnecessary can be performed to said number information (printing process will be stopped once the predetermined amount has reached, fig. 23).

Regarding claim 17, Iwase an apparatus according to claim 15, further comprising: fourth setting means for setting a numeric value (keypad, fig. 12-18) for the image processing mode set by said first setting means; and second notification means for calculating a minimum value of the number of images which would be processed based on the image processing mode and the numeric value set by said fourth setting means, comparing the calculated minimum value with the number information specified according to the image processing mode, and, in a case where the number information exceeds the upper limit value if the process starts in the setting maintained as it is, notifying the user that the specified number information exceeds the upper limit value (inherently, it is impossible to set value higher the upper limit value).

Regarding claim 18, Iwase further teaches an apparatus according to claim 17, further comprising selection means, in a case where it is notified by said second notification means (figs. 12-18) that the specified number information exceeds the upper limit value, for selecting whether to start the process in the setting maintained as it is or change the setting.

Regarding claim 19, Iwase further teaches an apparatus according to claim 18, further comprising fifth setting means for setting said second notification means to be available or unavailable (notifying via control panel, figs. 12-18).

Regarding claims to independent claims 20-22 which recite limitations that are similar and in the same scope of invention as to those in claims 1 above; therefore, claims 20-22 are rejected for the same rejection rationale/basis as described in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

/Edward L. Coles/
Supervisory Patent Examiner, Art Unit 2625